

Cohen  
Signature of Sponsor

AMEND Senate Bill No. 407\*

House Bill No. 1114

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 2, is amended by adding the following as a new, appropriately designated section:

(a) A qualified voter of a district may file a sworn complaint with the state election commission challenging the information on a candidate's nominating petition. Such complaint shall be filed within fourteen (14) days after the qualifying deadline for such office. The complaint shall state specific grounds as to why the complainant believes the petition is inaccurate. The complaint shall be made under oath and shall contain a statement that a false statement on the complaint is subject to the penalties of perjury.

(b) The state election commission shall notify the candidate that a complaint has been filed within ten (10) days of the commission receiving the complaint. After notification of the candidate, the state election commission shall hold a hearing on the complaint within thirty (30) days. The complainant shall be able to present evidence in order to prove such complainant's allegations. The candidate shall be allowed to present such candidate's own evidence to prove the accuracy of the nominating petition.

(c) If the state election commission determines that a candidate's petition is inaccurate or false and directs the appropriate county election commission to not place a candidate's name on the ballot as a result of such hearing, such candidate may file an action in chancery court contesting the commission's decision.

(d) If a candidate is removed from the ballot leaving a statewide political party without a candidate, the county executive committee of such statewide political party shall have the right to nominate a replacement candidate to place on the ballot before the election. If there is no county executive committee in such county where the

candidate is removed from the ballot or if the district includes more than one county, then the state executive committee of the statewide political party shall have the right to nominate a replacement candidate to place on the ballot before the election.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.